

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:08cv70**

PEGGY J. GARRETT,)	
)	
Plaintiff,)	
)	
Vs.)	ORDER
)	
MICHAEL J. ASTRUE, Commissioner of Social Security,)	
)	
Defendant.)	
)	

THIS MATTER is before the court upon the Commissioner's Motion for Order to Show Cause (#18) and plaintiff's Motion that Pleading be received Out of Time (#19). In exercising the court's duty to discipline the Bar of this court, the district court has discussed with counsel for plaintiff, in chambers, his repeated failure to meet deadlines in this as well as a large number of other cases now pending in this district. The district court has instructed the undersigned to allow the late filing in this matter based upon representations of counsel that such problems will not be repeated, which will be enforced through the implementation of a progressive system of discipline for future failings of which counsel for plaintiff is aware.

ORDER

IT IS, THEREFORE, ORDERED that the Commissioner's Motion for Order to Show Cause (#18) and plaintiff's Motion that Pleading be Received Out of Time (#19) are **DENIED**, and the late filing is **ACCEPTED** upon the conditions outlined by the district court through implementation of a progressive disciplinary system.

The Commissioner shall have 60 days from entry of this Order to file his Motion for Summary Judgment and supporting brief.

Signed: January 9, 2009

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

